

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Meeting of Panel A
January 26, 2011
9:00 a.m.

Lincoln Land Training Center
1100 E. Port Plaza
Room 101
Springfield, IL 62702

and

James R. Thompson Center
IDHS – Murdock Room
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

MINUTES

Present: Commissioners

Marti Baricevic (Panel Chair)
Robert S. Enriquez (via telephone)
Gregory G. Simoncini

Staff

Harriet Parker
Donyelle L. Gray
Evelio Mora
Christine Welninski
Carol Comrie (Coles Fellow)
Alexia N. Whitaker (Coles Fellow)

I. Call to Order.

A meeting of Human Rights Commission Panel A was called to order on January 26, 2011, at 9:09 a.m. by Panel Chair, Commissioner Baricevic.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

1) A quorum of the public body was present at the meeting without the physical presence of Commissioner Simoncini.

2) Prior to the meeting, Commissioner Simoncini gave *notice (and good cause as defined by the Illinois Open Meetings Act)* to the General Counsel and Secretary of the Public Body, Harriet Parker, that he would be arriving late for the January

26, 2011, meeting. Commissioner Simoncini requested to participate via telephone until his arrival.

3) The Commissioners voted to allow Commissioner Simoncini to participate via telephone for the January 26, 2011, meeting until his arrival. Motion made by Commissioner Enriquez, seconded by Commissioner Baricevic. Motion carried 2-0.

II. Consideration of Minutes.

- 1) The minutes of the meeting of November 18, 2010, (9:00 a.m.) were approved as submitted by staff. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.
- 2) The minutes of the meeting of November 18, 2010, (10:00 a.m.) were approved as submitted by staff. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.
- 3) The minutes of the Oral Argument of November 18, 2010, were approved as amended. The Commissioners amended the minutes to reflect that Commissioner Enriquez had dissented from the majority vote in favor of remanding the matter of Rosetta Davis v. Elmbrook Healthcare & Rehabilitation Center, LLC to the Administrative Law Section for a hearing. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

III. Requests for Review

A) Charlene Peden v. Eloys Watson

ALS No.: 10-0206 Charge No.: 2010CH1790

The Panel sustained the dismissal in the above-referenced matter for Failure to Proceed. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

B) Maria Elena S. Chinchilla v. American Courier Service

ALS No.: 10-0212 Charge No.: 2009CF0969

The Panel sustained the dismissal in the above-referenced matter for Expiration of Time to Investigate the Charge. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

At 9:19 a.m., the Panel voted to recess in order to allow Commissioner Simoncini time to join the meeting in person. Motion made by Commissioner Enriquez, seconded by Commissioner Baricevic. Motion carried 3-0.

At 9:25 a.m., the Panel reconvened at 9:25 a.m., at which time Commissioner Simoncini was physically present.

C) Brandy Bush v. OSF Saint Francis, Incorporated

ALS No.: 10-0218 Charge No.: 2008SF2687

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

D) Barry Rogers v. Decatur Public School

ALS No.: 10-0220 Charge No.: 2009SF1378

The Panel sustained the dismissal in the above-referenced matter for Expiration of Time to Investigate the Charge. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

E) Penny Washington v. Crete-Monee School District #210-U

ALS No.: 10-0221 Charge No.: 2009CF1053

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

IV. Petitions for Hearing to Determine Complainant's Damages

A) Anthony Doggett v. Dasch Painting

ALS No.: 11-0014 Charge No.: 2010CF0895

The Panel voted to grant the Petition in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

V. Motion for Voluntary Dismissal

A) Sonia Martinez v. Interstate Brands Corporation

ALS No.: 08-0041 Charge No.: 2007CF1035

The Panel voted to grant the Motion in the above-referenced matter. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

VI. Motions for Extension of Time to File Reply to Request for Review

A) Cecelia H. Cummings v. SOI, Illinois State Board of Education

ALS No.: 10-0723 Charge No.: 2010SA0063

The Panel voted to deny the Motion in the above-referenced matter because the motion was moot. Motion made by Commissioner Simoncini, seconded by Commissioner

Enriquez. Motion carried 3-0.

B) *Simon Kennedy Rose v. Royse & Brinkmeyer*
ALS No.: 10-0614 Charge No.: 2010SH2380

The Panel voted to continue the Motion in the above-referenced matter to the next Panel meeting on February 23, 2011. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

VII. Adjournment.

The meeting was adjourned at 9:55 a.m. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

Respectfully submitted,

Harriet Parker
General Counsel